

When Courts And Congress Collide - Charles Gardner Geyh

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This is quite simply the best study of judicial independence that I have ever read; it is erudite, historically aware, and politically astute. ---Malcolm M. Feeley, Claire Sanders Clements Dean's Professor, Boalt Hall School of Law, University of California at Berkeley "Professor Geyh has written a wise and timely book that is informed by the author's broad and deep experience working with the judicial and legislative branches, by the insights of law, history and political science, and by an appreciation of theory and common sense." ---Stephen B. Burbank, David Berger Professor for the Administration of Justice, University of Pennsylvania Law School With Congress threatening to "go nuclear" over judicial appointments, and lawmakers accusing judges of being "arrogant, out of control, and unaccountable," many pundits see a dim future for the autonomy of America's courts. But do we really understand the balance between judicial independence and Congress's desire to limit judicial reach? Charles Geyh's *When Courts and Congress Collide* is the most sweeping study of this question to date, and an unprecedented analysis of the relationship between Congress and our federal courts. Efforts to check the power of the courts have come and gone throughout American history, from the Jeffersonian Congress's struggle to undo the work of the Federalists, to FDR's campaign to pack the Supreme Court, to the epic Senate battles over the Bork and Thomas nominations. If legislators were solely concerned with curbing the courts, Geyh suggests, they would use direct means, such as impeaching uncooperative judges, gerrymandering their jurisdictions, stripping the bench's oversight powers, or slashing judicial budgets. Yet, while Congress has long been willing to influence judicial decision-making indirectly by blocking the appointments of ideologically unacceptable nominees, it has, with only rare exceptions, resisted employing more direct methods of control. *When Courts and Congress Collide* is the first work to demonstrate that this balance is governed by a "dynamic equilibrium": a constant give-and-take between Congress's desire to control the judiciary and its respect for historical norms of judicial independence. It is this dynamic equilibrium, Geyh says, rather than what the Supreme Court or the Constitution says about the separation of powers, that defines the limits of the judiciary's independence. *When Courts and*

Congress Collide is a groundbreaking work, requiring all of us to consider whether we are on the verge of radically disrupting our historic balance of governance. Charles Gardner Geyh is Professor of Law and Charles L. Whistler Faculty Fellow at Indiana University at Bloomington. He has served as director of the American Judicature Society's Center for Judicial Independence, reporter to the American Bar Association Commission on Separation of Powers and Judicial Independence, and counsel to the Judiciary Committee of the U.S. House of Representatives. Author: Geyh, Charles Gardner Publisher: University of Michigan Press Illustration: N Language: ENG Title: When Courts and Congress Collide Pages: 00360 (Encrypted PDF) On Sale: 2009-12-22 SKU-13/ISBN: 9780472069224 Category: Law : Courts - General

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